



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: Frey et al.

Serial No.: 09/982,483

Case No.: 20569

Art Unit: 1625

Filed: October 18, 2001

Examiner: R. Covington

For: PROCESS FOR THE SYNTHESIS OF AN  
ENDOTHELIN RECEPTOR ANTAGONIST

Assistant Commissioner of Patents  
Washington, D.C. 20231

**Response to February 24, 2003 Restriction Requirement**

Sir:

This is in response to the February 24, 2003 office action, a response to which is due March 21, 2003.

**Remarks**

The Examiner stated that Claims 1-31, in part, are drawn to compounds wherein A is generic to a "plurality of disclosed patentably independent and distinct inventions." The Examiner required restriction under 35 USC 121, indicating that the inventions recited in the claims do not share a common core "and have different bonding and properties and thus different functions." The Examiner distinguished O-heterocyclic derivatives from polycyclic thiomorpholine derivatives, polycyclic morpholine derivatives, diazine derivatives, benzothiazine derivatives, isoquinoline derivatives, tropane derivatives, oxazole derivatives, and thiodiazole derivatives.

Applicants respectfully request reconsideration and withdrawal of the restriction requirement. While an Examiner may require restriction based on distinctness if 1) each distinct invention has a separate classification in the patent classification system, 2) each distinct invention has a separate status in the art, or 3) a different field of search is necessary for each distinct invention, applicants maintain that, in the claims of the subject application, variable A defines heterocyclyl and aryl ring systems that are